

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

**ELVIN WINSTON RICKS,
Reg #56184-080**

PETITIONER

v.

Case No. 2:19-cv-00068-LPR

**GENE BEASLEY,
Warden, FCI – Forrest City**

RESPONDENT

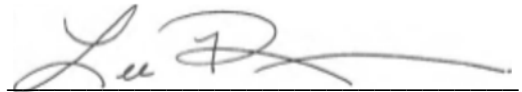
ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition (the “Recommendation”) submitted by United States Magistrate Judge Joe J. Volpe. No objections have been filed. After careful consideration, the Court approves and adopts the Recommendation with the following slight (and legally insignificant) modification.

The Recommendation states that “it is not clear whether Mr. Ricks has applied to the Fifth Circuit for permission to file a successive § 2255 petition from the information provided.” (Doc. 10 at 4). In Mr. Ricks’s Petition, however, Mr. Ricks expressly answered “No” to the question, “Have you ever filed a motion . . . seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?” (Doc. 1 at 4). This modification—made for purposes of clarity—holds no special legal significance. Whether it is “not clear” if Plaintiff pursued a successive petition (as Judge Volpe puts it), or it is clear that Plaintiff did not pursue a successive petition (as I see the facts), the result remains the same.

With this slight modification, the Court approves and adopts the Recommendation in its entirety. Mr. Ricks’s Petition for Writ of Habeas Corpus is DISMISSED without prejudice, and the requested relief is denied.

IT IS SO ORDERED this 26th day of February 2020.

A handwritten signature in black ink, appearing to read "Lu P.", with a long horizontal flourish extending to the right.

UNITED STATES DISTRICT JUDGE